

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1087**

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**Introduced by Assembly Member Brownley**

February 18, 2011

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An act to add Section 51351 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1087, as amended, Brownley. Cities and counties: public safety services: contracts.

Existing law requires a county that provides services through its appropriate departments, boards, commissions, officers, or employees to any city pursuant to a contract or law, to charge the city all those costs that are incurred in providing those services.

This bill would, commencing January 1, 2012, require a city that contracts with a county for public safety services through the county sheriff's department to notify the county at least 6 months prior *to the date the contract is to terminate*, unless otherwise stipulated, of the city's intent to terminate the contract, and would authorize the county to require the city to provide a comprehensive fiscal analysis relating to the ability of the city to provide public safety services, as specified. The bill would provide that if the city's plan is not feasible, the contract may not be terminated until the city can provide a feasible plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51351 is added to the Government Code, to read:

51351. (a) A city that contracts with a county to receive public safety services through the county sheriff's department shall notify the county at least six months prior *to the date the contract is to terminate*, unless otherwise stipulated in the contract, of the city's intent to terminate the contract.

(b) A county that has received notification from a city of the termination of a contract pursuant to subdivision (a) may require the city to provide a comprehensive fiscal analysis relating to the ability of that city to provide public safety services to its residents. This fiscal analysis shall be conducted by a mutually agreed upon independent auditing firm, the county auditor controller, or the State Controller and shall include the following:

(1) The projected costs to the city for providing public safety services and facilities during the 10 fiscal years following the creation of the law enforcement agency. This analysis shall include, but shall not be limited to, a comparison of costs based on other independent public safety services agency costs in cities with comparable size, crime rates, minimum staffing, and other factors.

(2) The revenue of the city during the prior 10 years and the projected revenue of the city over the next 10 years.

(3) The effects of the costs and revenues on the city and its ability to fully fund the public safety services agency.

(4) Any other information and analysis necessary to determine the fiscal ability of the city to fund a public safety services agency.

(c) If the audit concludes that the city's plan is not feasible, the contract with the county shall not be terminated until the city can produce a *economically* feasible plan that is approved by the auditor, ~~the county, and the city~~.

(d) *Unless otherwise stipulated in the contract, costs of the audit will be paid by the party requesting the audit.*

~~(d)~~

(e) This section shall apply to contracts entered into on and after January 1, 2012.

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